

Instructions For Filing A Statutory Protest Petition
For Amendment of Zoning Boundaries

4/07

**Protest petition signature forms – pages 3, 4 & 5 of 5, to be
submitted to the City Clerk as specified below**

1. **Form.** The protest petition shall be completed in full on **forms provided by the Community Development Department**, located at 201 Martin Luther King, Jr. Drive, and shall conform to NCGS 160A-385 and 160A-386, as amended.
2. **Submission Deadline.** The protest petition **shall be submitted to the City Clerk's Office**, located in City Hall, 200 Martin Luther King Drive, by 5:00 p.m., at least two (2) normal working days, excluding Saturdays, Sundays and legal holidays, before the date established for public a hearing on the proposed change or amendment. The original advertised public hearing date shall control in the event the request is continued by City Council to a subsequent hearing date. Typically, a protest petition must be filed with the City Clerk not later than 5:00 p.m. on the Monday preceding the regularly scheduled Thursday public hearing date. Specific submission deadlines can be obtained from the Planning Office, at (252)329-4498.
3. **Qualified Property.** A protest petition may be filed by the owners of those lots located within the proposed rezoning area or by the owners of those lots located within a one-hundred foot (100') wide buffer extending along each discrete or separate area proposed to be rezoned. Public street right-of-ways shall not be considered in computing the 100-foot buffer as long as that street right-of-way is 100 feet wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100-foot buffer shall be measured from the property line of that parcel. Individually submitted petitions will be combined and treated as a single petition for purposes of validation.
4. **Signature(s).** **The signature of all persons having a legal interest in each qualified property must sign the protest petition** (i.e. husband and wife, partners, etc.). Persons signing on behalf of a corporation or by power of attorney must submit documentation granting them authority to sign, at the time of initial submission of the protest petition.
5. **Notarization.** A Notary Public shall witness each signature appearing on the protest petition.
6. **Validity.** A protest petition shall be considered valid if such petition is properly signed by the owners of either (i) 20% or more of the area included in the proposed rezoning, or (ii) by the owners of 5% or more of a 100-foot-wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. Public street right-of-ways shall not be considered in computing the 100-foot buffer area as long as that street right-of-way is 100 feet wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100-foot buffer shall be measured from the property line of that parcel.
7. **Amended Rezoning Petition.** The protest petition, if valid as to form and effect, will apply to any change in zoning for the subject tract under the current rezoning petition. The petition shall also apply to amended requests under the current rezoning petition unless such protest petition is withdrawn in person, or in writing, by notarized signature of the protest petitioner(s), in total or validating part prior to City Council action.

8. Multiple Tract/Zoning Classification Requests. When a rezoning application property, involving two (2) or more contiguous tracts of same or different zoning classification, is proposed for change to one (1) zoning classification the several tracts shall be construed as one (1) tract for purposes of determining the qualified area. When a rezoning application property, involving two (2) or more contiguous or separate tracts of same or different zoning classification, is proposed for change to several different zoning classifications each separate or discrete proposed zoning classification area shall be construed as an individual rezoning request for purposes of determining the qualified area.
9. Voting Requirement. When a protest petition has been properly submitted and validated the proposed zoning amendment shall not become effective except by favorable vote of three-fourths of all the members of City Council. For purposes of this voting requirement, vacant positions on the council and members who are excused from voting shall not be considered “members of the council” for calculation of the requisite supermajority.
10. Expiration. A valid protest petition shall expire with respect to a specific rezoning application upon final action of City Council on the rezoning request which is the subject of the petition.

Protest Petition, City of Greenville, North Carolina

For City Clerk Use Only (Date Submitted: _____ Time Submitted: _____ Received by: _____)

1. The undersigned owner(s) of real property, pursuant to NCGS 160A-385 and 386, hereby protest the following request to amend the zoning boundaries as submitted by

_____ and amending the
Zoning Boundaries from _____ to _____ for the property located

_____ and further described by official rezoning case application # _____.

2. Statutory Requirement(s)

NCGS 160A-385. Changes.

- (a) To qualify as a protest under this section, the petition must be signed by the owners of either (i) twenty percent (20%) or more of the area included in the proposed change or (ii) five percent (5%) of a 100-foot-wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. A street right-of-way shall not be considered in computing the 100-foot buffer area as long as that street right-of-way is 100 feet wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100-foot buffer shall be measured from the property line of that parcel. In the absence of evidence to the contrary, the city may rely on the county tax listing to determine the "owners" of potentially qualifying areas.

NCGS 160A-386. Protest petition; form; requirements; time for filing.

No protest against any change in or amendment to a zoning ordinance or zoning map shall be valid or effective for the purposes of G.S. 160A-385 unless it be in the form of a written petition actually bearing the signatures of the requisite number of property owners and stating that the signers do protest the proposed change or amendment, and unless it shall have been received by the city clerk in sufficient time to allow the city at least two normal work days, excluding Saturdays, Sundays and legal holidays, before the date established for a public hearing on the proposed change or amendment to determine the sufficiency and accuracy of the petition. The city council may by ordinance require that all protest petitions be on a form prescribed and furnished by the city, and such form may prescribe any reasonable information deemed necessary to permit the city to determine the sufficiency and accuracy of the petition. A person who has signed a protest petition may withdraw his or her name from the petition at any time prior to the vote on the proposed zoning amendment. Only those protest petitioners that meet the qualifying standards set forth in G.S. 160A-385 at the time of the vote on the zoning amendment shall trigger the supermajority voting requirement.

3. Signature(s) (attach additional photocopies of pages 4 and 5 of this form as necessary)

NOTE: A Notary Public must witness all signatures at the time of signing.

	<u>Signature</u>	<u>Address</u>	
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North Carolina
Pitt County

I, _____, a Notary Public in and for the aforesaid County and State,
do hereby certify that the person(s) listed below whose signature(s) appear above on this protest petition appeared
before me this day and executed the foregoing instrument.

This section to be completed by the Notary Public listed above.

Persons signing the petition are listed below in order of signature (please print or type).
Names that are not clearly legible will be disregarded.

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____
- 6. _____
- 7. _____
- 8. _____
- 9. _____
- 10. _____

WITNESS my hand and Notarial Seal, this the _____ day of _____, 20_____.

Seal

Notary Public

My Commission Expires _____